

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte ALAN N. SCHWARTZ  
AND THOMAS D. THEISEN

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Appeal No. 98-2031  
Application 08/794,154<sup>1</sup>

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ORDER REMANDING TO EXAMINER

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MAILED

SEP 25 1998

PAT. & T.M. OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

A Reply Brief (Paper No. 24) was filed March 2, 1998 in response to the Examiner's Answer (Paper No. 20) dated December 30, 1997. However, there is no indication in the record whether or not the examiner has responded to the Reply Brief (Paper No. 24). Section 1208.04 of the Manual of Patent Examining Procedure (MPEP) (6th Ed., Rev. 3, July 1997) states:

[t]he examiner must notify appellant of consideration of the reply brief, e.g., by using form paragraph 12.47 (underlining ours).

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<sup>1</sup> Application for patent filed February 3, 1997. According to applicants, the application is a continuation of Application 08/377,257, filed January 23, 1995.

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The current record requires action by the examiner.

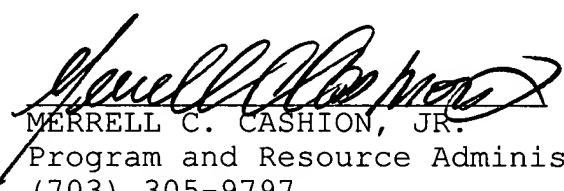
Accordingly, it is

ORDERED that the application is remanded to the examiner for proper response to the Reply Brief (Paper No. 24) filed March 2, 1998.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By:

  
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